



The New York Times
Company

David E. McCraw
Senior Vice President
& Deputy General Counsel

T 212 556 4031
mccraw@nytimes.com

620 8th Avenue
New York, NY 10018
nytimes.com

October 30, 2023

VIA EMAIL

The Honorable J. Paul Oetken
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *In re Search Warrants Executed on April 28, 2021, 21-mc-425-*
JPO

Dear Judge Oetken:

The New York Times Company (“The Times”) respectfully submits this letter in response to the Government’s October 23, 2023, letter in the above-referenced matter. On September 22, The Times requested that the Court unseal copies of the search warrants, search warrant applications, supporting affidavits, court orders, and returns on executed warrants related to the search of the premises and seizure and search of electronic devices belonging to Rudolph Giuliani and Giuliani Partners LLC, executed on April 28, 2021 (“the Sealed Materials”). The Government, in its response, “consent[ed] to the unsealing of the Sealed Materials with limited redactions to protect third party privacy interests.” Gov’t Ltr. at 1. The Times now writes to address one outstanding issue.

The Government has failed to meaningfully address The Times’s argument for the release of any materials related to former President Donald Trump. While accounts concerning uncharged individuals are typically withheld by the Government, the circumstances here are unique: the uncharged individual is the former President and a current presidential

candidate. Moreover, his conduct with respect to the events at issue in the Sealed Materials has been the subject of extensive and public disclosure during his impeachment.¹ High-ranking public officials stand on a different footing from private individuals in disclosure matters and have a diminished interest in privacy. *See, e.g., Common Cause v. Nat'l Archives & Recs. Serv.*, 628 F.2d 179, 184 (D.C. Cir. 1980) (recognizing public figures may have “less privacy interest than others” regarding disclosure of their status as “the unindicted targets of investigation”).

The Times respectfully asks the Court to proceed with the public release of the Sealed Materials as redacted by the Government, subject only to the unredacting of materials related to Mr. Trump.²

We thank the Court for its continued consideration of this matter.

Respectfully submitted,

David McCraw

David E. McCraw

cc: All counsel of record

¹ After reviewing the Government’s letter, The Times asked for Mr. Trump’s consent to unsealing via an email to his lawyers. The Times has not received a response.

² As set forth in The Times’s moving letter, Mr. Giuliani consented to the unsealing through one of his former attorneys in this matter, Barry Kamins.